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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA**3:25-cr-00078-IM****v.****INDICTMENT**

**RUOYU DUAN, aka "Duan Xiao Yu," aka
"D.X.Y.," aka "Lao Duan," aka "Little
Fish"; and
LI TIAN,**

**18 U.S.C. § 371
18 U.S.C. §§ 201(b)(1)(C), (b)(2)(C)
18 U.S.C. § 641
18 U.S.C. § 2(a)**

Defendants.**Forfeiture Allegations****UNDER SEAL**

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS:

At all times relevant to this Indictment:

1. The United States Army was a branch of the United States Department of Defense whose mission was to protect Americans by, among other things, recruiting, training, equipping, organizing, and delivering combat-ready Army forces to maintain the security of the United States.
2. Joint Base Lewis-McChord ("JBLM") was a joint military installation serving both the United States Army and the United States Air Force, located approximately six miles southwest of Tacoma, Washington in the Western District of Washington.

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3. Defendant RUOYU DUAN, aka “Duan Xiao Yu,” aka “D.X.Y.,” aka “Lao Duan,” and aka “Little Fish” (“DUAN”) was a former Army soldier, active from 2013 to 2017. DUAN was not entitled to receive sensitive military information. DUAN resided in Hillsboro, Oregon.

4. Defendant LI TIAN (“TIAN”) was an active-duty First Lieutenant in the United States Army and stationed at JBLM as a Health Services Administrator. TIAN maintained a U.S. security clearance and was eligible to access material up to and including the SECRET level. TIAN was a public official who swore an oath to faithfully discharge his duties as a First Lieutenant in the United States Army. TIAN resided in Dupont, Washington.

5. Conspirator 1, whose identity is known to the Grand Jury, was an active-duty Sergeant in the United States Army and stationed at JBLM as a Battery Supply Sergeant. Conspirator 1 maintained a U.S. security clearance and was eligible to access material up to and including the SECRET level. Conspirator 1 was a public official who swore an oath to faithfully discharge his duties as a Sergeant in the United States Army. Conspirator 1 resided in Lacey, Washington.

6. Conspirator 2, whose true identity is unknown to the Grand Jury, was a foreign national residing in the People’s Republic of China (“PRC”) and was not entitled to receive sensitive U.S. military information.

7. Conspirator 3, whose true identity is unknown to the Grand Jury, was a foreign national residing in the PRC and was not entitled to receive sensitive U.S. military information.

8. TIAN and Conspirator 1 were not authorized to disclose sensitive U.S. military information to DUAN, Conspirator 2, or Conspirator 3. Nevertheless, TIAN and Conspirator 1 entered into a corrupt scheme whereby TIAN and Conspirator 1 collected and transmitted sensitive

U.S. military information in exchange for money provided by DUAN, who received money from the PRC.

9. United States Government information that was sensitive, controlled, or classified was governed by Executive Order, policies and regulations, and federal law. Under Executive Order 13526, information in any form may be classified if it: (1) was owned by, produced by or for, or was under the control of the United States Government; (2) fell within one or more of the classification levels set forth in the Executive Order, specifically Top Secret, Secret, and Confidential; and (3) was classified by an original classification authority who determined that its unauthorized disclosure reasonably could be expected to result in damage to the national security of the United States

10. Controlled unclassified information (“CUI”) was a distinct category of information that, while not classified, was subject to safeguarding procedures and dissemination controls. Executive Order 13556 “establishe[d] an open and uniform program for managing information that requires safeguarding or dissemination controls” for CUI. All U.S. Government agencies were required to develop and implement protective measures, conduct regular training, and establish sanctions and reporting requirements for the misuse or disclosure of CUI. 32 CFR § 2002.

11. The Department of Defense implemented Executive Order 13556 via Department of Defense Instruction 5200.48, which mandated the requirements for marking, handling, and disseminating CUI; implemented reporting and training requirements for Department of Defense components; and addressed the misuse of CUI. Specifically, the policy provided:

- a. No individual may have access to CUI information unless it is determined he or she had an authorized, lawful government purpose;

b. The person with authorized possession, knowledge, or control of CUI would determine whether an individual had an authorized, lawful government purpose to access designated CUI;

c. CUI information may be disseminated within the DoD Components and between DoD Component officials and DoD contractors, consultants, and grantees to conduct official business for the DoD, provided dissemination was consistent with controls imposed by a distribution statement or limited dissemination controls;

d. CUI designated information may be disseminated to a foreign recipient to conduct official business for the DoD, provided the dissemination was approved by a disclosure authority and the CUI was appropriately marked as releasable to the intended foreign recipient; and

e. Safeguarding requirements and incident response measures for the mishandling or misuse of CUI.

12. Army Regulation AR 380-5 (Army Information Security Program) of the United States Army Manual also instructed Army personnel on how to properly handle, store, and transmit information marked as CUI, which could include, among other types of information, “For Official Use Only” information, “Law Enforcement Sensitive” information, “DEA Sensitive Information,” and “DOD Controlled Unclassified Nuclear Information.”

13. Guidance from the Center for Development of Security Excellence, which was a directorate of the Defense Counterintelligence and Security Agency, which, in turn, was part of the Department of Defense provided the following: “DO NOT USE YOUR PERSONAL EMAIL to transmit CUI” and went on to say that “[a]ll emails must be encrypted and contain a CUI banner at the top and bottom of the email.”

14. As active-duty members of the United States Army, TIAN and Conspirator 1 were trained on how to properly handle, store, and transmit CUI and sensitive military information. As a former active-duty member of the United States Army, DUAN was also trained on how to properly handle sensitive military information.

15. As part of their official duties, TIAN and Conspirator 1 were: (1) required to protect classified and CUI; (2) not allowed to disseminate to unauthorized individuals CUI or classified information; and (3) required to report suspicious incidents, including attempts by non-Army personnel to elicit sensitive U.S. military information.

16. The PRC intelligence services used trained intelligence officers, as well as non-professional persons, known as “cut-outs” or “co-optees.” A cut-out or co-optee was often a person trusted by both the source and the intelligence officer who helped provide a layer of insulation between an intelligence officer and a source, thereby increasing operational security. Cut-outs or co-optees could operate under a variety of covers, posing as diplomats, journalists, academics, or businesspeople both within the PRC and abroad. These individuals were tasked with spotting, assessing, targeting, collecting, and handling sources and assets with access to classified, open-source, proprietary, or sensitive information that the government of the PRC could use to its advantage.

17. The PRC used cut-outs or co-optees to recruit intelligence assets in the United States and to make payments to intelligence assets, often targeting people with access to or knowledge of U.S. government information, including current and former U.S. government officials.

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18. The PRC's recruitment of intelligence assets often began innocuously, with a request for unrelated or open-source information, in exchange for payment, and then escalated gradually into requests for more sensitive government or military information.

Count 1
(Conspiracy)
(18 U.S.C. § 371)

19. The Introductory Allegations of this Indictment are hereby incorporated by reference as if fully stated herein.

OBJECTS OF THE CONSPIRACY

20. Beginning in or about November 28, 2021, and continuing to at least on or about December 19, 2024, within the District of Oregon and elsewhere, defendants DUAN and TIAN, (collectively, DEFENDANTS) and others, known and unknown to the Grand Jury, including Conspirator 1, Conspirator 2, and Conspirator 3, knowingly combined, conspired, and agreed with each other to commit, or attempted to commit, the following offenses against the United States:

- a. Bribery of a Public Official, in violation of Title 18, United States Code, Sections 201(b)(1)(C) and (b)(2)(C); and
- b. Theft of Government Property, in violation of Title 18, United States Code, Section 641.

MANNER AND MEANS OF THE CONSPIRACY

21. The objects of the conspiracy were carried out, in substance, as follows:

22. DUAN communicated with TIAN and Conspirator 1, using various methods of communication, including email, social media, and messaging applications, including at times encrypted messaging applications.

23. DUAN introduced TIAN and Conspirator 1 to others to whom TIAN and Conspirator 1 would communicate. Specifically, DUAN introduced TIAN to Conspirator 2 and introduced Conspirator 1 to Conspirator 3. TIAN and Conspirator 1 also transferred sensitive military information directly to DUAN.

24. DUAN offered to TIAN money in return for violating his official duties as a First Lieutenant in the United States Army by collecting, and transmitting to DUAN sensitive, non-public information related to the activities of the United States Army.

25. In return for money, TIAN: (1) surreptitiously gathered CUI and other sensitive military information related to the United States Army's operational security, including technical manuals; (2) transmitted to and attempted to transmit to DUAN CUI and other sensitive information in violation of his duties as a First Lieutenant; and (3) entered restricted military installations and took photographs and documents belonging to the United States Army that contained non-public, sensitive information related to the activities of the United States Army.

26. Conspirator 3 offered to Conspirator 1 money in return for violating his official duties as a Sergeant in the United States Army by collecting, photographing, recording, and transmitting to Conspirator 3 sensitive, non-public information related to the activities of the United States Army.

27. In return for money, Conspirator 1: (1) surreptitiously gathered CUI and other sensitive military information related to the United States Army's operational security, including technical manuals and classified hard drives; (2) transmitted to and attempted to transmit to Conspirator 3 CUI and other sensitive information in violation of his duties as a Sergeant; and (3) entered restricted military installations and took photographs, documents, and property belonging

to the United States Army that contained non-public, sensitive information related to the activities of the United States Army.

28. DUAN received and accepted money from financial accounts based in the PRC. DUAN then paid TIAN for violating his official duties as an active-duty member of the United States Army. DUAN also routinely made payments to Conspirator 1 and other security-clearance holders and active-duty members of the United States Army.

29. By means of the above-described conduct and in exchange for the above-described acts and omissions in violation of his official duties, TIAN received and accepted payments from DUAN totaling at least approximately \$500 on or about March 29, 2023.

30. Conspirator 1 received and accepted payments from DUAN totaling at least approximately \$3,200 from June 7, 2023 to November 24, 2023.

31. By means of the above-described conduct and in exchange for the above-described acts and omissions in violation of his official duties, Conspirator 1 received and accepted payments from Conspirator 3, via X.Y., a person known to the Grand Jury, totaling at least approximately \$15,000 from August 1, 2024 to December 31, 2024.

OVERT ACTS

32. On or about the following dates, in furtherance of the conspiracy and to accomplish its objects, DEFENDANTS, Conspirator 1, Conspirator 2, and Conspirator 3, and their co-conspirators known and unknown to the Grand Jury committed or caused to be committed the following overt acts, among others, within the District of Oregon, and elsewhere:

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DUAN Pays TIAN for White Paper

Overt Act No. 1: On or about November 28, 2021, TIAN emailed Conspirator 2 at an email account operating from Hong Kong,¹ introducing himself as a friend of DUAN and looking for a “job opportunity.”²

Overt Act No. 2: On or about December 26, 2021, TIAN emailed Conspirator 2 a white paper³ with recommendations related to commercial real estate investments on the East Coast of the United States.

Overt Act No. 3: On or about December 30, 2021, DUAN received and accepted approximately \$2,000 from a PayPal account based in the PRC.

Overt Act No. 4: On or about December 31, 2021, Conspirator 2, via email, thanked TIAN for the white paper and said that “Mr. Duan” had been paid \$1,000, which DUAN would then pay to TIAN for his work. In the same email, Conspirator 2 asked for “less open source” material and requested additional information from TIAN.

Overt Act No. 5: On or about December 31, 2021, DUAN paid TIAN \$1,500 via PayPal.

DUAN Pays TIAN for Sending Sensitive Military Information

Overt Act No. 6: On or about October 18, 2022, TIAN sent DUAN military information via email, specifically, links to Google Drives containing OSINT reports.⁴

¹ Hong Kong is a Special Administrative Region of the PRC.

² All communications among the defendants and Conspirators occurred in Mandarin Chinese, unless otherwise noted. This Indictment reflects an English-language translation. Brackets indicate an explanation that is not part of the verbatim translation.

³ A white paper is a typically a report providing information, proposals, or solutions about a particular issue.

⁴ OSINT is an acronym for Open Source Intelligence and refers to information that is not classified.

Overt Act No. 7: On or about October 25, 2022, TIAN sent DUAN military information via email, specifically, links to Google Drives containing OSINT reports.

Overt Act No. 8: On or about November 3, 2022, TIAN sent DUAN information via email, specifically, links to Google Drives containing OSINT reports.

Overt Act No. 9: On or about October 13, 2023, TIAN sent from his U.S Army email to his personal email an unencrypted email containing a document titled “ACM SBCT_Reference Book_JAN23.pdf,” which contained a CUI marking along with additional warnings about proper dissemination of the document.⁵

Overt Act No. 10: On February 20, 2023, TIAN sent DUAN sensitive military information via email, specifically, links to Google Drives containing reports related to the Stryker combat vehicle. Some of the files were:

- *Copy of 1 SBCT EMPLOYMENT 1.pptx*, which discusses the formations, movements, and employment of SBCT.
- *Copy of 2 CAPABILITIES.pptx*, which specifies the mission and capabilities of the Stryker unit, which is a unit in the Army that is responsible for the operation of the Stryker combat vehicle.
- *Copy of stp_91s13.pdf*, which has the following marking: “DISTRIBUTION RESTRICTION: Distribution authorized to U.S. Government agencies and their contractors only because of the sensitive [sic] materials.”

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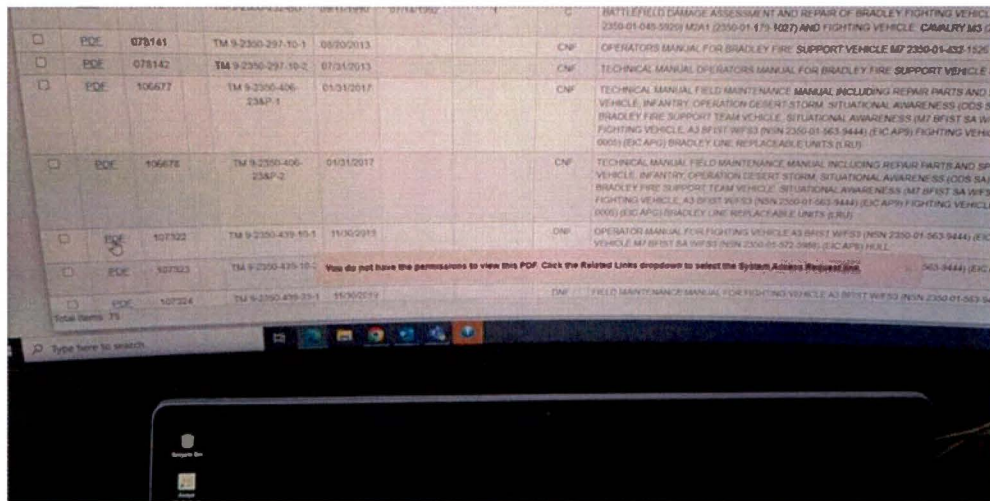
⁵ ACM is an acronym for Army Capability Manager and SBCT is an acronym for Stryker Brigade Combat Team. The document is a reference for planning, training, and operations that provides mission essential tasks and capabilities of the SBCT. The SBCT Team Leaders use this Reference Book to optimize combat capabilities and military operations.

- *Copy of Stryker Layout svct.pptm*, which specifies the positions of military personnel in the Stryker U.S. Army combat vehicle.
- *Copy of 1 IWTS CATS METL UTM ATN MILSUITE combined.pptx*, which is about a Department of Defense social media forum, U.S. Army mission requirements and strategy.

Overt Act No. 11: On or about February 20 and 21, 2023, TIAN and DUAN had the following exchange on Facebook Messenger:

February 20, 2023	
DUAN	Please provide the tm of the vehicles sent there. It is for writing an article.
TIAN	I don't have access. Will need to wait until Monday.
TIAN	I will ask chief at work on Tuesday.
TIAN	Send me a list of the models.
DUAN	Otherwise, can I bring my cell phone over to download it onto my phone?
TIAN	I will figure it out for you.
DUAN	👉
TIAN	It cannot be downloaded. You have to look for it on AESIP and only chief has access. I can only get a hard copy.
DUAN	OK. I will give you a list.
DUAN	[DUAN thanks TIAN]
TIAN	My supply has access.
TIAN	He/She says he/she is able to download it/them.
DUAN	Electronic file? I can also take pictures if I am not allowed to take the hard copy with me.
TIAN	He is also a proud member of our mavni.
TIAN	[.pdf]
DUAN	Wish him a happy new year.
DUAN	Ah, not a female soldier, right?
DUAN	Our supply over there in the past was a Chinese girl.

TIAN	If I order I'll have to wait for the publisher to ship.
TIAN	[unsent a message]
TIAN	it's a guy from Beijing.
DUAN	I want to download it ... I'll check armytimes to see what the army has selected and sent and give you a list.
DUAN	I will take you two out to eat next time.
TIAN	[likes previous message]
TIAN	You're welcome.
TIAN	[sends photo]



TIAN	The application was submitted almost half a year ago, but it has not been approved...
DUAN	Maybe someone tossed the application into the corner of the drawer again.
TIAN	Formalism delays things.
TIAN	I could log in to the system. But it stopped when I got to the download page.
DUAN	Just one step away. Can you push them?
DUAN	Speaking of which, you should only have the things in the American arsenal. You probably don't have something like German Leopard 1 or Weasel, right?
TIAN	We definitely won't have those.
TIAN	We still haven't finished our own.

DUAN	I first want an M1126 Stryker infantry vehicle, an M109 howitzer, and M2 Bradley fighting vehicle. I saw Armytimes also mentioned the Patriot, but I don't understand that stuff at all and cannot write anything.
DUAN	I remember the m109 sent was an earlier model. And now more than 2,000 Ukrainians are training everywhere with the US military, which is really awesome. I learned this after reading the armytimes article.
TIAN	1126 is the model we are replacing with a new one.
DUAN	I have always envied the remote turret. The reconnaissance type has to stick its head out and operate the reconnaissance equipment, and I don't understand why it can't be integrated.
TIAN	Please receive/check Stryker.
TIAN	I forgot I've taken SLC.
DUAN	[DUAN thanks TIAN] I've received the stryker portion.
DUAN	It seems like only a transport vehicle was sent this time. It didn't include a reconnaissance vehicle with reconnaissance equipment. I feel that information is a more important advantage over there.
TIAN	If you still need the TM, I will get it for you tomorrow.
TIAN	I will give you M109 and Bradley tomorrow.
DUAN	It is best if you have Bradley. I can compare the two vehicles side by side. These are enough. I will ask you again after I finish writing.
February 21, 2023	
DUAN	Although you have not been asked to start a class now, but I will calculate the tuition fee for you according to the materials. Don't worry, I won't let you work in vain. Thank you!
DUAN	How about a total of 500 for the three teaching materials? I also want to learn the ppt of your lesson/coursework.
TIAN	No problem. This is SLC (stryker leader course). I can give you all the teaching materials.

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Overt Act No. 12: On or about February 23, 2023, TIAN sent DUAN sensitive military information via email, specifically, links to Google Drives containing reports related to the Bradley Fire Support vehicle.⁶ Examples of the files are:

- *bradley 1.pdf*, which is a document titled “Technical Manual Operator’s Manual for Bradley Fire Support Vehicle, M7” and contained the following language: “Distribution authorized to U.S. Government Agencies and their contractors only for administrative or operational use, as determined on [0]9 May 1987”; and “**WARNING** - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. Sec 2751, et seq) or the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), as amended. Violations of these export laws are subject to severe criminal penalties.”
- *bradley 2.pdf*, which is a document titled “Technical Manual Operator’s Manual for Bradley Fire Support Vehicle, M7 BFIST” and contained the following language: “Distribution authorized to U.S. Government Agencies and their contractors only for administrative or operational use, as determined on [0]9 May 1987”; and “**WARNING** - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. Sec 2751, et seq) or the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), as amended. Violations of these export laws are subject to severe criminal penalties.”
- *m109.pdf*, which is a document containing a pre-combat checklist for a military vehicle that approved for public release.

⁶ The Bradley Fire Support Vehicle is designed for precision target location and assisting in indirect fire.

Overt Act No. 13: On or about February 24, 2023, TIAN and DUAN had the following exchange on Facebook Messenger:

DUAN	I see that nothing happened after you said you'd ask the chief. Don't worry if it can't be done. I can find materials on wiki or reddit.
DUAN	The main thing is not to get in trouble. It is not easy to get to this point in the army.
TIAN	Downloaded. Don't be anxious. I'm out and will send it to you when I get back.
DUAN	There's no hurry. Just worried about causing you trouble.
TIAN	There's no trouble. [he is] just slow.
	[unrelated messages sent]
TIAN	tm sent.
TIAN	I've obtained the system permissions and can now download the pdf.

Overt Act No. 14: On or about March 29, 2023, via Facebook Messenger, DUAN said to TIAN "Keep forgetting to give you the material fees. Is 500 too little?" TIAN responded: "That's very kind of you[.]"

Overt Act No. 15: On or about March 29, 2023, DUAN received and accepted approximately \$2,500 from a PayPal account based in the PRC.

Overt Act No. 16: On or about March 29, 2023, DUAN paid TIAN \$500 via PayPal.

Conspirator 1 Sends Sensitive Military Information to DUAN

Overt Act No. 17: On or about April 27, 2023, Conspirator 1 sent DUAN two documents via his personal email that contained sensitive military information, specifically excerpts of a technical manual for the use and operation of the HIMARS system. HIMARS is an artillery system that was in use on the battlefield in Ukraine. The document was restricted to Department of Defense personnel and contained other export restrictions, as follows:

DISTRIBUTION STATEMENT D - Distribution authorized to the Department of Defense and U.S. DoD contractors only for Administrative or Operational Use as determined on 15 August 2014. Other requests shall be referred to U.S. Army TACOM Life Cycle Management Command, ATTN: AMSTA-LCL-IMP/TECH PUBS, MS 727, 6501 E. 11 Mile Road, Warren, MI 48397-5000.

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et. seq.) or the Export Administration Act of 1979, as amended, Title 50A, U.S.C., App. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

DESTRUCTION NOTICE - Destroy by any method that will prevent disclosure of contents or reconstruction of the document.

Overt Act No. 18: On or about April 28, 2023, Conspirator 1 sent DUAN three documents via his personal email that contained sensitive military information, specifically excerpts of a technical manual for the use and operation of the HIMARS system, which was restricted to Department of Defense personnel and contained other export restrictions.

Overt Act No. 19: On or about May 1, 2023, Conspirator 1 sent DUAN three documents via his personal email that contained sensitive military information, specifically excerpts of a technical manual for the use and operation of the HIMARS system, which was restricted to Department of Defense personnel and contained other export restrictions.

Overt Act No. 20: On or about May 3, 2023, Conspirator 1 sent DUAN five documents via his personal email that contained sensitive military information, specifically excerpts of a technical manual for the use and operation of the HIMARS system, which was restricted to Department of Defense personnel and contained other export restrictions.

DUAN Connects Conspirator 1 with Conspirator 3

Overt Act No. 21: On or about October 16, 2023, Conspirator 3 introduced himself as friend of DUAN's via WeChat saying "Hello, I am a Duan Xiaoyu's friend.⁷ Boss Duan says you have things to sell. Mind telling what you have."

⁷ D.X.Y. is a pseudonym for DUAN, who also uses the name Duan Xiao Yu.

Overt Act No. 22: In and about November 2023, S.K.K., an individual known to the Grand Jury, introduced himself to Conspirator 1 as a friend of DUAN's, via WeChat:

November 5, 2023	
S.K.K.	I have bought some equipment from you through Boss Duan. I specialize in this type of business in Mainland China. I made several million dollars a year. I'd love to collaborate with you.
November 6, 2023	
Conspirator 1	I remember now, you're one of Duan's friends, right? If you're interested in the masks, I can give you a discount. Duan's friend is my friend too.
November 19, 2023	
S.K.K.	[Honorary title to show Respect] Duan is also my good brother!

Overt Act No 23: On or about November 21, 2023, Conspirator 1 and Conspirator 3 were discussing payment for a stretcher via WeChat, Conspirator 1 told Conspirator 3 that "money is not in a hurry, you know Lao Duan, he can give me dollars, and you can transfer it to him."

Overt Act No. 24: On or about November 24, 2023, via WeChat, Conspirator 1 told Conspirator 3 "you can negotiation with Lao Duan for money."

TIAN's Activity in His Workspace and Removal of a Classified Document from a Secure Facility

Overt Act No. 25: On or about May 1, 2024, video footage from TIAN's unclassified office at JBLM showed a classified document marked "SECRET" on his desk, which contained classified information about overall unit readiness.

Overt Act No. 26: On or about May 3, 2024, video footage from TIAN's unclassified office at JBLM showed that TIAN held his phone up to his computer screen and took screenshots of his computer screen.

Overt Act No. 27: On or about May 5, 2024, video footage from TIAN's unclassified workspace at JBLM showed that TIAN entered his workspace at approximately 10:45 p.m. TIAN

removed a document marked SECRET from his desk and walked away with it at approximately 10:50 p.m. TIAN did not re-enter his unclassified workspace and did not return the SECRET document that day.

Overt Act No. 28: On or about May 6, 2024, video footage from TIAN's classified workspace at JBLM showed that TIAN brought his personal cell phone inside, printed a classified document, and left with the classified document. TIAN returned with the same classified document approximately three-and-half hours later.

Overt Act No. 29: On or about May 7, 2024, video footage from TIAN's unclassified office at JBLM showed that TIAN plugged his government-issued laptop into his unclassified workstation and used a variety of different messaging applications on his cell phone. In at least one conversation using one of the messaging applications, TIAN appeared to be communicating with an unidentified person in a foreign language.

Overt Act No. 30: On or about May 8, 2024, video footage from TIAN's classified workspace at JBLM showed that TIAN brought his personal cell phone inside the classified workspace during a SECRET-level briefing.

Overt Act No. 31: On or about May 28, 2024, video footage from TIAN's unclassified office at JBLM showed that TIAN used his personal cell phone to take a photo of his computer screen and then used his personal phone to send a text message.

Overt Act No. 32: On or about June 6, 2024, video footage from TIAN's unclassified office at JBLM showed that TIAN used his personal cell phone to take a photo of his computer screen and then making a phone call.

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Conspirator 1 Sells Military Equipment and Sensitive Military Information

A. Encryption-Capable Computer

Overt Act No. 33: On or about July 12 through July 15, 2024, via WeChat, Conspirator 1 and Conspirator 3 discussed the sale of a computer used in “military office equipment system” for \$1,800.

Overt Act No. 34: On or about July 14, 2024, Conspirator 1 informed Conspirator 3, via WeChat, that Conspirator 1 had not sold the military equipment system to another buyer who offered more.

Overt Act No. 35: On or about July 15, 2024, via WeChat, Conspirator 1 offered Conspirator 3 a computer system that was “just replaced” that included a monitor, a “receiver,” a keyboard, and an antenna for \$2,500.

Overt Act No. 36: On or about July 16, 2024, via WeChat, Conspirator 1 told Conspirator 3 that the price “can’t be lower than 2300.”

Overt Act No. 37: On or about October 8, 2024, via WeChat, Conspirator 3 told Conspirator 1 that the computer was worth \$1,800 and that 5,000 Renminbi (Chinese currency) was already paid.

Overt Act No. 38: On or about October 11, 2024, via WeChat, Conspirator 3 told Conspirator 1 that he will pay Conspirator 1 “1000 usd” tomorrow.

Overt Act No. 39: On or about October 13, 2024, via WeChat, Conspirator 1 received and accepted \$1,000 from X.Y.

Overt Act No. 40: On or about October 22, 2024, via WeChat, Conspirator 1 informed Conspirator 3 that “the computer is screwed. I can’t open. I’ll return you money.”

Overt Act No. 41: On or about October 29, 2024, via WeChat, Conspirator 1 told Conspirator 3 that he will definitely send a computer “this weekend.”

Overt Act No. 42: On or about November 4, 2024, via WeChat, Conspirator 3 asked Conspirator 1 to take care of “the computer matter” this week. Conspirator 1 replied that he was too busy but will “[take care] in three days.”

Overt Act No. 43: On or about December 4, 2024, via WeChat, Conspirator 3 asked Conspirator 1 whether the slot at the front of the computer was for a hard drive. Conspirator 1 replied that “It’s for two functions. It’s for encryption slot or for hard drive. It’s very rare now. Hard to find. If you can guarantee both of our safety while making some money for both of us, sell it. It’s the end of the year.”

B. *Classified Hard Drives*

Overt Act No. 44: On or about July 16, 2024, via WeChat, Conspirator 1 discussed the sale of classified hard drives with S.K.K. and sent the following photo to S.K.K.:



Overt Act No. 45: On or about July 16, 2024, via WeChat, Conspirator 1 and Conspirator

3 had the following exchange:

Conspirator 1	I have many computer hard drives. It may not be possible to check the contents of the hard drives.
Conspirator 1	It may not be possible to check the contents of the hard drives. Tomorrow I will check how many are left. Do you understand unclassified and secret?
Conspirator 3	Understood.
Conspirator 1	the steps to read the hard drive contents might be burdensome.
Conspirator 1	[After telling Conspirator 3 that he had twenty hard drives and that he did not know their contents, the hard drives were] definitely government's ... we all are clear on what they are
Conspirator 1	there could be intelligence or has nothing. [I do not] guarantee anything your buyer needs intelligence, right?

Overt Act No. 46: On or about July 16, 2024, via WeChat, Conspirator 1 and Conspirator

3 agreed to the sale of twenty hard drives for \$10,000, with a \$5,000 down payment and another \$5000 upon delivery.

Overt Act No. 47: On or about August 3, 2024, Conspirator 1 received and accepted \$2,500

from X.Y.

Overt Act No. 48: On or about August 7, 2024, Conspirator 1 received and accepted \$2,500

from X.Y.

Overt Act No. 49: On or about August 7, 2024, via WeChat, Conspirator 1 gave

Conspirator 3 his home address in Dupont, Washington to arrange shipping of the classified hard drive.

Overt Act No. 50: On or about August 13, 2024, via WeChat, Conspirator 1 told Conspirator 3 that he would be home on “Friday” for a courier to pick up the two packages containing the hard drives.

Overt Act No. 51: On or about Friday, August 16, 2024, via WeChat, Conspirator 1 informed Conspirator 3 that the packages had been picked up.

Overt Act No. 52: On or about August 26, 2024, via WeChat, Conspirator 1 told Conspirator 3 that he had “ten (hard drives) with red stickers and highest-grade orange⁸ stickers” that he will sell for \$8,000, stating that he was not worried about selling hard drives of “this classification,” but “speaking from heart,” Conspirator 1 was not “totally comfortable” selling, but would sell “if there was a buyer,” but he was not in a rush.

Overt Act No. 53: On or about September 5, 2024, via WeChat, Conspirator 3 told Conspirator 1 that he would transfer \$2,500 “today or tomorrow.”

Overt Act No. 54: On or about September 9, 2024, Conspirator 1 received and accepted \$2,500 from X.Y.

Overt Act No. 55: On or about September 12, 2024, via WeChat, Conspirator 3 sent the following photos of non-stickered hard drives and classified hard drives labeled SECRET to Conspirator 1, confirming receipt of the classified hard drives.

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⁸ TOP SECRET classification labels are orange or yellow in color, and SECRET classification labels are red in color.



Overt Act No. 56: On or about September 15, 2024, via WeChat, Conspirator 3 informed Conspirator 1 that the buyer only received nineteen hard drives, three of which were corrupted and as such, the buyer would only pay \$2,000 of the remaining \$2,500 payment. Conspirator 1 agreed

and stated that he had never promised anything regarding the hard drives' content or condition, and that he would never sell to this buyer again.

Overt Act No. 57: On or about October 3, 2024, via WeChat, Conspirator 1 told Conspirator 3 that "I have a couple more TS and S."⁹ Conspirator 1 stated further that "I don't know what's inside. With TS labels, those who understand would get what it means."

Overt Act No. 58: On or about October 23, 2024, via WeChat, Conspirator 3 told Conspirator 1 that the "buyer" asked why a document's classification level was different, that it was not "TS as promised," and asked if Conspirator 1 had any TS-class documents because this is what they [the buyer] cared about. Conspirator 1 responded that TS was for the hard drive, not documents, and that he could not open TS documents. Conspirator 1 further stated that he has "less than TS" documents, but "not now" because "S" was difficult to get, though he did have "red" hard drives.

C. *Sensitive U.S. Military Documents*

Overt Act No. 59: On or about October 11, 2024, via WeChat, Conspirator 1 informed Conspirator 3 that he had "good stuff" and asked Conspirator 3 to get a quote from any buyer before Conspirator 1 named a price. Conspirator 3 agreed to go find "an awesome buyer" and asked to see the "cover." Conspirator 1 asked Conspirator 3 to "spread the news. It's Brigade Level." Shortly thereafter, Conspirator 3 said "Ok. Done. Recall," and commented "this needs some time. This is way top [we] must be very very careful." Conspirator 1 replied "Very sensitive document. Super difficult to get."

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⁹ TS is the abbreviation TOP SECRET classification and S is the abbreviation for SECRET classification.

Overt Act No. 60: On or about October 12, 2024, via WeChat, Conspirator 3 informed Conspirator 1 that he had spread the news and asked Conspirator 1 to “give a ballpark price.” Conspirator 1 replied “If you want this I’ll take whatever you feel like ... but in these couple of years, anything that touches himars, 3-4000 is the starting price. For you, 3000.”

Overt Act No. 61: On or about October 15, 2024, via WeChat, Conspirator 1 asked Conspirator 3 if he had seen the cover and that Conspirator 1 “needed to delete it” after Conspirator 3 saw it. A few minutes later, Conspirator 3 answered “I haven’t had the chance to open the last one.”

Overt Act No. 62: On or about October 22, 2024, via WeChat, Conspirator 3 told Conspirator 1 that “I had someone review the cover that you sent a few days ago. They said it’s worth two thousand dollars. I told them no, and they suggested that, since you have another document,” at which time Conspirator 1 interjected “I won’t discuss 2000.” Conspirator 3 proceeded with telling Conspirator 1 that he would suggest selling the two documents as a “package” and figuring out an “average number” to charge for each document, and asked Conspirator 1 if he was interested in directly communicating with the “new buyer.” Conspirator 1 answered “I won’t take your suggestion. I won’t consider. F*** this world. I’m not selling, brother.” Following a voice call, Conspirator 1 stated to Conspirator 3 “what I can get for you, you can’t get anywhere else.” Conspirator 3 then replied that he “will ask more ... [and] find high level people.”

Overt Act No. 63: On or about October 22, 2024, via WeChat, Conspirator 3 asked Conspirator 1 for “cover and table of contents.” Conspirator 3 also stated, “This is a capable customer” and followed with a voice call.

Overt Act No. 64: On or about October 22, 2024, via WeChat, Conspirator 1 stated to Conspirator 3 that “the 42-page one, 2.5K is fine. One copy. Go talk to others about the price for the rest.”

Overt Act No. 65: On or about October 23, 2024, via WeChat, Conspirator 1 reiterated to Conspirator 3 that he had one copy of the 42-page document for sell for “2.5K,” and that he needed to organize “the rest.” Conspirator 3 replied that “the buyer” wanted “two documents as a package” and wanted to see the cover and table of contents for the second document. Conspirator 1 responded that the second document was not for sale, and that they should find another buyer if the current buyer would only take both documents. Conspirator 3 replied “I can’t afford to make this person angry. Don’t play me boss. At the beginning you did say two documents. You said go find high level people yesterday.” Conspirator 1 eventually instructed Conspirator 3 to name a high price. Later, Conspirator 3 informed Conspirator 1 that the buyer’s offer would be “two documents for 6k+500 good will,” with the caveat that the buyer would see the cover and table of contents first.

Overt Act No. 66: On or about October 24, 2024, via WeChat, Conspirator 1 asked Conspirator 3 if he has downloaded Signal, an end-to-end encrypted messaging application. Conspirator 3 responded that he was looking for a way as his cellphone would not let him install.

Overt Act No. 67: On or about October 25, 2024, via WeChat, Conspirator 3 told Conspirator 1 that he followed up but the buyer needed another day. Conspirator 1 responded “do you know how risky this is ?!?” to which Conspirator 3 replied “If I were in your position, I would not dare,” and promised that he would call the buyer at “9am tomorrow.”

Overt Act No. 68: On or about October 26, 2024, via WeChat, Conspirator 3 told Conspirator 1 to prepare the documents and to send the two complete documents, promising that

payment would be made in three days. Conspirator 3 further told Conspirator 1 to organize the documents “page by page,” compress the file, and told Conspirator 1 the exact password to use for the file. Conspirator 3 then told Conspirator 1 that he was preparing the “transfer site” and asked Conspirator 1 if he could receive a file from the site. Conspirator 1 responded that he “could download, but how do I upload?” Conspirator 3 further told Conspirator 1 that there was a “time limit” and that item would disappear after the time limit. A voice call followed.

Overt Act No. 69: On or about October 27, 2024, at approximately 12:26 p.m., Conspirator 1 was in his office at JBLM. Video footage showed Conspirator 1 at his computer for five minutes, leaving his office emptyhanded, and returning to his office with two documents. Conspirator 1 laid two documents on his desk. The two documents were:

- *Strategic and Operation Rockets and Missiles (STORM)*, which was related to the operation of strategic weaponry and contained a “CUI” marking, along with two additional warning banners that read: “Distribution Statement D: Distribution authorized to DoD Department of Defense and U.S. DoD contractors only. Further dissemination only as direct by STORM, SFAE-M5L-PFF or Higher DOD Authority.” The document also contained a warning banner that read: “Export-Control Act Warning: This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq) or the Export Administration Act of 1979, as amended (Title 50, U.S.C., App. 2401 et seq). Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.”
- The second document also contained a CUI marking and described a United States Army Pacific, simulation-driven, bilateral and multinational command post exercise.

The exercise is designed to enhance U.S. and multinational partner combat readiness and interoperability while strengthening multinational relationships and demonstrating U.S. resolve to support the security interest of friends and allies in the Pacific region.

Overt Act No. 70: On or about October 27, 2024, at approximately 12:27 p.m., via WeChat, Conspirator 1 told Conspirator 3 that he was “doing it now.” Conspirator 1 further stated that he could “only scan, scan after printing then upload to you. I can’t upload using my computer. It’s too dangerous.” Conspirator 3 replied “you decide.”

Overt Act No. 71: On or about October 27, 2024, at approximately 12:31 p.m., video footage from Conspirator 1’s office at JBLM showed Conspirator 1 using a scanning application on his personal cellphone to scan the first document page by page. Conspirator 1 then walked out of his office with the second document and subsequently returned with the second document rolled up in his hands.

Overt Act No. 72: On or about October 27, 2024, at approximately 12:39 p.m., via WeChat, Conspirator 1 told Conspirator 3 “I have in my hand. Two documents.”

Overt Act No. 73: Shortly thereafter, on or about October 27, 2024, via WeChat, Conspirator 1 sent a confirmation code to Conspirator 3, stating “I uploaded. This is too troublesome.” Conspirator 3 asked for a link, and Conspirator 1 responded “Can’t find it! I copied the link. It’s the code. Can’t you download Signal?” Conspirator 1 added that “Signal is the safest. This is too troublesome. This feels very risky.” Conspirator 1 continued transferring documents using the transfer site prepared by Conspirator 3.

Overt Act No. 74: On or about October 27, 2024, via WeChat, Conspirator 1 confirmed transferring all documents. Conspirator 3 responded “great. Reliable. Full payment in three days.”

Overt Act No. 75: On or about October 29, 2024, via WeChat, Conspirator 3 asked “when is 86,” referring to the current year of the Yama Sakura exercise. Conspirator 1 responded “right now. About to happen.”

Overt Act No. 76: On or about October 29, 2024, via WeChat, Conspirator 1 and Conspirator 3 confirmed that they have found and added each other on Signal.

Overt Act No. 77: On or about October 29, 2024, via WeChat, Conspirator 3 passed a message from the buyer to Conspirator 1 that stated, “since you’ve already xxx, why don’t you bring out some good stuff.” Conspirator 1 asked Conspirator 3 “buyer said that? The problem is that everyone has certain restrictions” and stated that “I sure will take good stuff but I need to guarantee my safety.” Conspirator 1 further pondered why the buyer was “opinionated against” him, and Conspirator 3 stated that while the buyer had a lot of demands, they were safe, paid a good price, and there was no nonsense because they are “high level.”

Overt Act No. 78: On or about November 1, 2024, via WeChat, Conspirator 3 told Conspirator 1 to expect receiving payments for three days consecutive, arranged as “2000+2000+500.”

Overt Act No. 79: On or about November 1, 2024, Conspirator 1 received and accepted \$2,000 from X.Y.

Overt Act No. 80: On or about November 2, 2024, Conspirator 1 received and accepted \$2,000 from X.Y.

Overt Act No. 81: On or about November 3, 2024, Conspirator 1 received and accepted \$500 from X.Y.

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Overt Act No. 82: On or about November 6, 2024, video footage from Conspirator 1's office at JBLM showed Conspirator 1 taking pictures of a sensitive document about a military exercise simulating a conflict with the PRC.

Overt Act No. 83: On or about November 7, 2024, video footage from Conspirator 1's office at JBLM showed Conspirator 1 taking a video of an excel file on his government computer screen and scrolling through the document.

Overt Act No. 84: On or about November 21, 2024, video footage from Conspirator 1's office at JBLM showed Conspirator 1 taking a video of his government computer screen.

Overt Act No. 85: On or about December 4, 2024, via WeChat, Conspirator 1 told Conspirator 3 via WeChat that he had a "90-page manual" that he was willing to sell for \$1,500, and that if the buyer would not buy the document, Conspirator 1 and Conspirator 3 should go find another buyer. Conspirator 3 responded that he would reach out to the buyer, commenting that there were no good people "in this field" and that "no one in the establishment will give up an opportunity to take all."

Overt Act No. 86: On or about December 5, 2024, via WeChat, Conspirator 3 told Conspirator 1 that the buyer would aim to pay in seven to ten days and asked Conspirator 1 if that was acceptable.

Overt Act No. 87: On or about December 19, 2024, Conspirator 1 received and accepted \$2,000 from X.Y.

Overt Act No. 88: On or about December 19, 2024, via WeChat, Conspirator 1 informed Conspirator 3 that he received "2K." Conspirator 3 explained "1.5 + .5 Christmas gift money."

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DUAN's Financial Transactions

Overt Act No. 89: From on or about June 1, 2021 through on or about April 30, 2023, DUAN received and accepted approximately \$38,500 in total from two PayPal accounts based in the PRC.

Overt Act No. 90: From on or about June 1, 2023 through on or about July 30, 2024, DUAN received and accepted approximately \$14,600 from two Zelle accounts.

Overt Act No. 91: From on or about June 7, 2023 through on or about November 24, 2024, Conspirator 1 received and accepted approximately \$3,200 from DUAN.

All in violation of 18 U.S.C. §§ 371, 201(b)(1)(C) and (b)(2)(C), and 641.

Count 2 (Bribery of a Public Official) (18 U.S.C. § 201(b)(1)(C))

33. The Introductory Allegations of this Indictment are hereby incorporated by reference as if fully stated herein.

34. From on or about October 18, 2022 to on or about March 29, 2023, within the District of Oregon and elsewhere, defendant DUAN, directly and indirectly, corruptly gave, offered, and promised a thing of value, namely, United States currency, to a public official, namely, defendant TIAN, a First Lieutenant in the United States Army, with the intent to induce such public official to do an act and omit to do an act in violation of his official duty. Specifically, defendant DUAN corruptly gave and offered defendant TIAN approximately \$500 in exchange for sensitive, military information. Such conduct violated TIAN's duties and responsibilities as a First Lieutenant.

All in violation of 18 U.S.C. § 201(b)(1)(C).

Count 3
(Bribery of a Public Official)
(18 U.S.C. § 201(b)(2)(C))

35. The Introductory Allegations of this Indictment are hereby incorporated by reference as if fully stated herein.

36. From on or about October 18, 2022 to on or about March 29, 2023, within the District of Oregon and elsewhere, defendant TIAN, a public official, namely, a First Lieutenant in the United States Army responsible for, among other duties, protecting United States Army sensitive military information, directly and indirectly, corruptly received, accepted, and agreed to receive and accept something of value, namely, U.S. dollars, in return for being induced to do an act and omit doing an act in violation of his official duties. Specifically, defendant TIAN corruptly received and accepted a payment totaling approximately \$500 from defendant DUAN, in exchange for gathering documents and information containing sensitive and CUI information and providing them to defendant DUAN. Such conduct violated defendant TIAN's duties and responsibilities as a First Lieutenant, including the duty to protect sensitive and CUI marked documents and information.

All in violation of 18 U.S.C. § 201(b)(2)(C).

Count 4
(Receipt of Stolen Government Property)
(18 U.S.C. § 641)

37. The Introductory Allegations of this Indictment are hereby incorporated by reference as if fully stated herein.

38. On or about February 20, 2022 through on or about February 24, 2022, in the District of Oregon, defendant DUAN, aided and abetted by defendant TIAN, willfully and knowingly did receive, conceal and retain stolen property of the United States, that is, sensitive

military information containing CUI, of a value exceeding \$1,000, with intent to convert said property to his own use, defendants DUAN and TIAN then knowing said property to have been stolen.

All in violation of 18 U.S.C. § 641.

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in Count 1 (Conspiracy), Count 2 (Bribery of a Public Official), and Count 3 (Theft of Government Property) of this Indictment, defendants DUAN and TIAN shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including but not limited to a sum of money equal to the amount of proceeds obtained as a result of the offense in the form of a money judgment.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

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it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendants up to the value of the forfeitable property described in these forfeiture allegations.

Dated: March 4, 2025

A TRUE BILL.



OFFICIATING FOREPERSON

Presented by:

WILLIAM M. NARUS
Acting United States Attorney



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